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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,717	01/09/2006	Jan Berends	5100-000013/US	7614

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EXAMINER	
KEENAN, JAMES W	

ART UNIT	PAPER NUMBER
3652	

MAIL DATE	DELIVERY MODE
12/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/527,717	BERENDS ET AL.	
	Examiner	Art Unit	
	James Keenan	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 7-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the phrase "based on master slave principles" is vague and fails to set forth any clear patentable limitation. Although applicant has attempted to overcome this rejection, the amendment fails to do so. However, if the phrase "the remaining slave ... columns in the sub-group" was rewritten as follows: -- the remaining lifting column or columns in the sub-group as a slave column or columns --, the rejection would be overcome.

Similar terminology in claim 9 is also indefinite.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 8-12, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker (US 6,634,461, previously cited).

Baker shows an apparatus for and method of lifting and lowering an object, comprising a group of mobile lifting columns, each including frame 20, mast 18, carrier 32, drive 38, 39, control 40, and wireless communication means including at least antenna 44, and wherein user operable selection means is provided for selecting one or more of the lifting columns as a subgroup such that the first selected column is designated as a master and the other columns in the subgroup are slaves (col. 4, lines 17-23, col. 5, line 54 to col. 7, line 27).

As pointed out by applicant, Baker further discloses that each control box has a unique identifier (such as a serial number) that can be read by the other control boxes and which would be addressed by the other control boxes only if that serial number was recognized. Applicant asserts that this type of identifying means is not a "tangible identification component", arguing that a serial number *per se* is intangible. This is not persuasive. Nowhere do the claims require a mere "identification component" to be a tangible object. Inasmuch as a serial number is a unique identifier comprising a set of data associated with each control box, it is considered to be an "identification component", as broadly claimed.

Re claims 4, 10, and 11, although not explicitly disclosed, it is considered inherent that selection of a lifting column as a master lifting column would overwrite or cancel any previously selected master lifting column.

Re claim 5, note display 68 (col. 4, lines 59-65).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berends et al (US 6,315,079, previously cited by applicant) in view of Baker.

Berends shows an apparatus for and method of lifting and lowering an object, comprising a group of mobile lifting columns, each including frame 8, mast 6, carrier 7, drive 10, control 14, and communication means 3, and wherein user operable selection means 18 is provided for selecting one or more of the lifting columns as a subgroup (col. 3, lines 29-65). Although Berends does not explicitly state that the columns operate in a master/slave relationship, such a feature is considered inherent from the above noted disclosure, especially in light of the indefinite language as noted in par. 3 above.

Berends does not, however, go so far as to disclose that a particular lifting column is designated a master lifting column as a result of being selected first as part of a subgroup.

As noted above, this and the features of the dependent claims are disclosed by Baker.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the process and apparatus of Berends to include the feature of selecting a particular lifting column as a master by virtue of its initial selection, as shown by Baker, as this would merely be a well known and art recognized means of selecting a master lifting column, which would neither require undue experimentation nor produce unexpected results when introduced into Berends' lifting system.

Re claims 7 and 13, while the "identification component" is not an identification card, the use of a card inserted into a card slot of a column to designate that particular column as a master or slave column is considered an obvious alternate equivalent design expediency instead of manually typing in numbers or commands on a keypad. Using a card with pre-encrypted information thereon is a generally well known manner of allowing holders of such a card to perform certain operations associated therewith, such as entering restricted areas or operating certain machinery.

8. Applicant's arguments filed 9/18/07 have been fully considered but they are not persuasive. Applicant's arguments have been addressed above.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action (i.e., those claims previously objected to as being improper multiple dependent claims). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 571-272-6925. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Keenan
Primary Examiner
Art Unit 3652

jwk
11/28/07